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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/815,251	03/22/2001	Yihua Chang	11302-1040 (44040-251242)	6502

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EXAMINER

DICUS, TAMRA

ART UNIT	PAPER NUMBER
1774	20

DATE MAILED: 01/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/815,251

Applicant(s)

CHANG ET AL

Examiner

Tamra L. Dicus

Art Unit

1774

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) 1-7, 12-17, 20 and 21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-11, 18, 19 and 21-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

The RCE is acknowledged.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 8, 9, 11, 19, 23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The Examiner believes that instant claims 8, 9, 11, 19, 23 do not have the proper support in the original specification as filed because the specification does not provide any teaching or discussion on a fabric, wet wipe, or nonwoven substrate that is not substantially dispersible or its usage with Applicant's claimed material.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 8-11, and 18-19 are rejected under 35 U.S.C. 102(b) as being anticipated over USPN 5,863,663 to Mackey et al.

Mackey discloses a wet-like cleaning wipe and articles. The articles of Mackey include various paper web substrates including paper towels, facial tissues, baby wipes, and similar products (col. 5, lines 51-64). The substrates are dispersible in water (inclusive of hot, tap, cold, hard or soft water, how Applicant intends to use a fabric, e.g. in various types of water, is not germane to patentability. It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987)). See col. 9, ll 44-56. Various additives are included. Such additives are dry control additives like starch binders added in the range of 0.1 to 1% by weight (col. 6, ll 35-46), this binder is considered to be Applicant's insolubilizing agent. Additional additives (binder) also include an emulsion of quaternary ammonium salts such as dimethyl ammonium chloride, among others listed at col. 10, ll 65-col. 11, ll 15, including the all the compositions as instantly claimed. The aforementioned additives make a wetting solution. Mackey provides for a at least a 2 weight percent salt at col. 10, ll 20-25 and ll 60-68 (instant claim 11).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 22-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 5,863,663 to Mackey et al. in view of USPN 5,525,261 to Incorvia et al.

Mackey is relied upon above. Mackey does not disclose the instant compound as recited in instant claim 22. Incorvia provides an anti-static composition. The composition is for various non-woven webs and fabrics. See col. 4, ll 31-43. The specific quaternary ammonium salt as per instant claim 22 is disclosed at col. 3, ll 24-29. It would have been obvious to one of ordinary skill in the art to modify the articles of Mackey to further include the quaternary ammonium salt as in instant claim 22 to provide an antistatic functionality to nonwoven substrates as taught by Incorvia at col. 3, ll 15-30. To instant claim 23, the pH and claimed solubility requirements are inherent as the same composition is disclosed.

To new claims 24-39, it appears the multivalent ions are not a part of the final product. If Applicant intends to further limit the claim, the Examiner suggests including further limiting language to indicate so. The concentration of ions is in the testing solution, per Applicant's discloser, and therefore the measurements and properties resulting from those tests (i.e. tensile strength after or prior to being soaked with water) are not included in Applicant's final product. Therefore, as instantly claimed, it would be reasonable to presume the limitations are inherent. Support for said presumption is found in the use of similar materials, i.e. the cationic polymer and webs, and the same process, i.e. the application of the ingredients to the fabric. Therefore, the burden of proof is upon the Applicant to prove otherwise. See MPEP 2113.

All arguments are moot in view of grounds for new rejection.

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Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. USPN 6,576,575 to Griesbach, III et al. provides a dispersible adherent article.
- b. USPN 4,889,643 to Royce et al. provides for a quenched cooled particulate fabric with a softening composition including quaternary ammonium.
- c. USPN 5,451,432 to Lofton teaches treating nonwoven substrates with a binder.

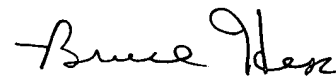
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamra L. Dicus whose telephone number is 571-272-1519. The examiner can normally be reached on Monday-Friday, 7:00-4:30 p.m., alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on 571-272-1526. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Tamra L. Dicus
Examiner
Art Unit 1774

January 8, 2004



BRUCE H. HESS
PRIMARY EXAMINER